



National Park Service  
U.S. Department of the Interior

2016 Superintendent's Compendium  
Of Designations, Closures, Permit  
Requirements and Other Restrictions  
Imposed Under Discretionary Authority.

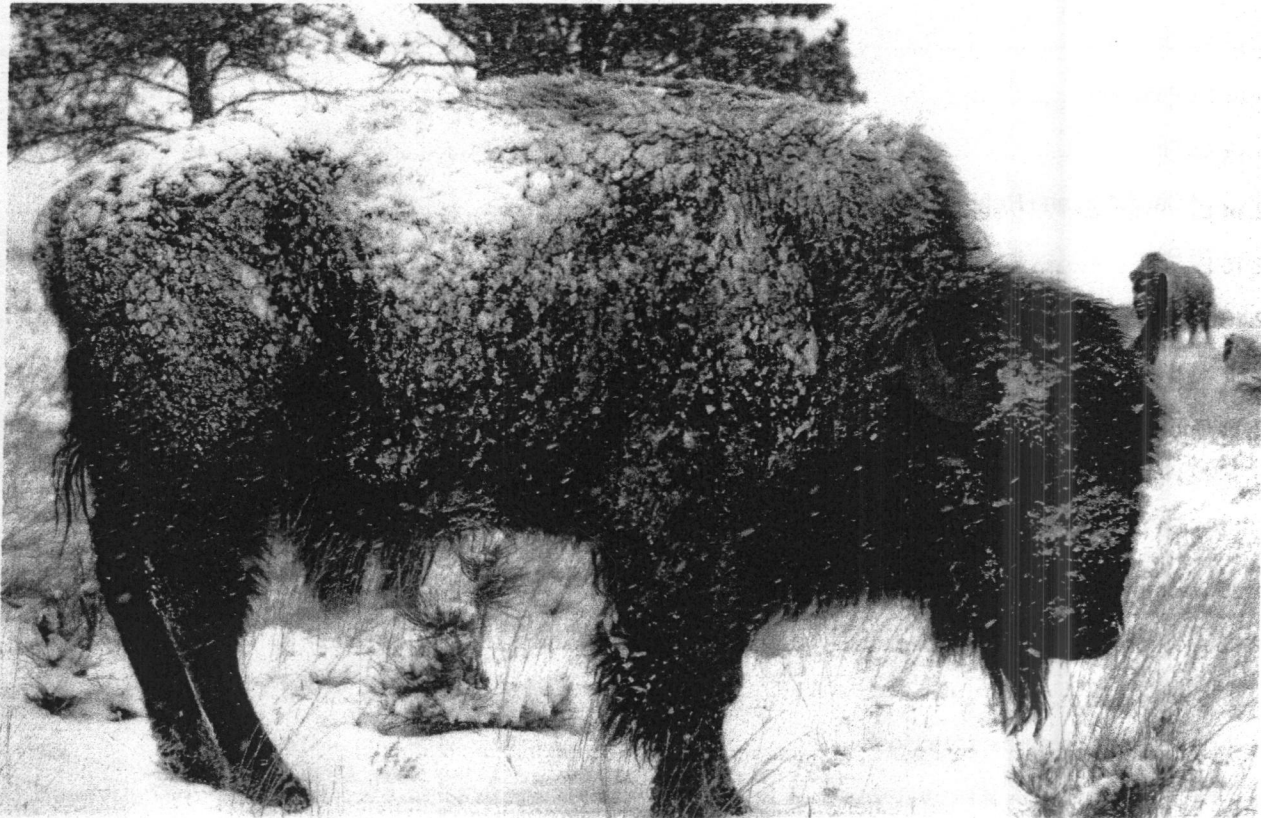
National Park Service  
Wind Cave National Park

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Approved:

Vidal Davila Date: 3/19/16  
Vidal Davila, Superintendent



*The Superintendent's Compendium is the summary of park specific rules implemented under 36 Code of Federal Regulations (36 CFR). It serves as public notice, identifies areas closed for public use, provides a list of activities requiring either a special use permit or reservation, and elaborates on public use and resource protection regulations pertaining specifically to the administration of the Wind Cave National Park.*

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## A. INTRODUCTION

### 1. Superintendent's Compendium Described

The Superintendent's Compendium does not repeat regulations found in 36 CFR and other United States Code and CFR Titles, which are enforced without further elaboration at the park level. The Superintendent's Compendium is the summary of park specific rules implemented under 36 Code of Federal Regulations (36 CFR). It serves as public notice, identifies areas closed for public use, provides a list of activities requiring either a special use permit or reservation, and elaborates on public use and resource protection regulations pertaining specifically to the administration of the park.

The regulations contained in 36 CFR, Parts 1-7, are the basic mechanism used by the National Park Service (NPS) to preserve and protect the natural and cultural resources of the park and to protect visitors and property within the park. Parts 1 through 6 are general regulations applicable to all areas of the National Park system, and Part 7 contains special regulations specific to individual parks. Each of these Parts has many sections and subsections articulating specific provisions. Within some of these Part 1-7 sections and subsections, the Superintendent is granted discretionary authority to develop local rules to be responsive to the needs of a specific park resource or activity, park plan, program, and/or special needs of the general public.

As an example, 36 CFR 1.5(a) *Closures and Public Use Limits* provides the Superintendent certain discretion in allowing or disallowing certain activities. The authority granted by the Section, however, requires the Superintendent to comply with the Administrative Procedures Act (6 USC Section 551), which requires public notice on actions with major impact on visitor use patterns, park resources or those that are highly controversial in nature.

Another example is 36 CFR 1.6 *Permits*, which allows the Superintendent to require a permit for certain uses and activities in the park. This Section, however, requires that a list of activities needing a permit (and a fee schedule for the various types of permits) be maintained by the park.

A final example is 36 CFR 2.1(c) (1) *Preservation of Natural, Cultural and Archeological Resources*, which provides the Superintendent the authority to designate certain fruits, nuts, berries or unoccupied seashells which may be gathered by hand for personal use or consumption. This activity can occur, however, only if a written determination shows that the allowed activity does not adversely affect park wildlife, the reproductive potential of a plant species, or otherwise adversely affect park resources.

This Compendium should be used in conjunction with Title 36 CFR, Parts 1-7, to more fully understand the regulations governing the use and enjoyment of all the areas of the national Park System.

A copy of Title 36, CFR, can be purchased from the U.S. Government Printing Office at:

**Superintendent of Documents  
P.O. Box 371954  
Pittsburgh, PA 15250-7954**

The CFR is also available on the Internet at:  
[http://www.access.gpo.gov/nara/cfr/waisidx\\_05/36cfrv1\\_05.html](http://www.access.gpo.gov/nara/cfr/waisidx_05/36cfrv1_05.html)

## **2. Laws and Policies Allowing the Superintendent to Develop This Compendium**

The National Park Service (NPS) is granted broad statutory authority under 16 United States Code (U.S.C.) Section 1 *et seq.* (Organic Act of 1916, as amended) to "...regulate the use of the Federal areas known as national parks, monuments, and reservations...by such means and measures as conform to the fundamental purposes of the said parks...which purpose is to conserve the scenery and the natural and historic objects and the wildlife therein and to provide for the enjoyment of the same in such manner and by such means as will leave them unimpaired for the enjoyment for future generations" (16 U.S.C. Section 1). In addition, the NPS Organic Act allows the NPS, through the Secretary of the Interior, to "make and publish such rules and regulations as he may deem necessary or proper for the use and management of the parks, monuments, and reservations under the jurisdiction of the National Park Service" (16 U.S.C. Section 3).

In 1970, Congress amended the NPS Organic Act to clarify its intentions as to the overall mission of the NPS. Through the General Authorities Act of 1970 (16 U.S.C. Sections 1a1-1a8), Congress brought all areas administered by the NPS into one National Park System and directed the NPS to manage all areas under its administration consistent with the Organic Act of 1916.

In 1978, Congress amended the General Authorities Act of 1970 and reasserted System-wide the high standard of protection defined in the original Organic Act by stating "Congress further reaffirms, declares, and directs that the promotion and regulation of the various areas of the National Park System, as defined by Section 1 of this Title, shall be consistent with and founded in the purpose established by Section 1 of this Title, to the common benefit of all people of the United States."

16 U.S.C. Section 1c defines the National Park System as "...any areas of land and water now or hereafter administered by the Secretary of the Interior through the National Park Service for park, monument, historic, parkway, recreational, or other purposes."

In addition to the above statutory authority, the Superintendent is guided by established NPS policy as found in the *NPS Management Policies* (2006). The Superintendent is also guided by more specific policies promulgated by the Director, National Park Service, in the form of Director's Orders. As stated in the Management Policies, the primary responsibility of the NPS is to protect and preserve our national natural and cultural resources while providing for the enjoyment of these resources by visitor and other users, as long as use does not impair specific park resources or overall visitor experience. The appropriateness of any particular visitor use or recreational experience is resource-based and will vary from park to park; therefore, a use or activity that is appropriate in one park area may not be appropriate in another. The Superintendent is directed to analyze overall park use and determine if any particular use is appropriate. Where conflict arises between use and resource protection, where the Superintendent has a reasonable basis to believe a resource is or would become impaired, than that Superintendent is obliged to place limitations on public use.

## **3. Consistency of This Compendium with Applicable Federal Law and Requirements**

The Superintendent's Compendium is not considered a significant rule requiring review by the Office of Management and Budget under Executive Order 12866. In addition, this Compendium will not have a significant economic effect on a number of small entities nor impose a significant cost on any local, state or tribal government or private organization, and therefore does not fall under the requirements of the Regulatory Flexibility Act or Unfunded Mandates Reform Act.

The actions and requirements described in this Compendium are found to be categorically



excluded from further compliance with the procedural requirements of the National Environmental Policy Act (NEPA) in Department of the Interior (DOI) Guidelines 516 DM 6 and as such, an Environmental Assessment will not be prepared.

#### **4. Development of the Requirements of the Superintendent's Compendium**

As outlined above, the NPS has broad authority and responsibility to determine what types of uses and activities are appropriate in any particular National Park System area. The requirements of the Superintendent's Compendium are developed through an analysis and determination process. The decision criteria used during this process are:

- Is there use or activity consistent with the NPS Organic Act and NPS policy?
- Is the use or activity consistent and compatible with the park's enabling legislation, management objectives, and corresponding management plans?
- Will the use or activity damage the park's protected natural and cultural resources and other protected values?
- Will the use or activity disturb or be in conflict with wildlife, vegetation, and environmental protection actions and values?
- Will the use or activity conflict with or be incompatible with traditional park uses and activities?
- Will the use or activity compromise employee or public safety?

#### **5. Applicability of the Compendium**

The rules contained in this Compendium apply to all persons entering, using, visiting or otherwise present on Federally owned lands, including submerged lands, and waters administered by the NPS within the legislative boundaries of the park. This includes all waters subject to the jurisdiction of the United States, including all navigable waters.

#### **6. Enforcement of Compendium Requirements**

NPS Law Enforcement Park Rangers enforce the requirements of the United State Code, 36 CFR, and this Superintendent's Compendium.

#### **7. Penalties for Not Adhering to the Compendium Requirements**

A person who violates any provision of the regulations found in 36 CFR, Parts 1-7, or provisions of this Compendium, is subject to a fine as provided by law (18 U.S.C. 3571) up to \$5,000 for individuals and \$10,000 for organizations, or by imprisonment not exceeding six months (18 U.S.C. 3559), or both, and shall be adjudged to pay all court costs associated with any court proceedings. You may receive a list of fines associated with any particular provision by contacting the Chief Ranger at the park address found below.

#### **8. Comments on the Compendium**

The Compendium is reviewed annually and revised as necessary. The park welcomes comments about its program and activities at any time.

Written comments on the Compendium may be submitted to:

**Superintendent  
Wind Cave National Park  
26611 US Highway 385  
Hot Springs, SD 57747**

#### **9. Effective Date of the Superintendent Compendium**

The Superintendent's Compendium is effective on the approval date listed on the first page of this document, and remains in effect until revised for a period up to one year.

#### **10. Additional Information**

Some of the terms used in this Compendium may have specific meaning defined in 36 CFR 1.4 Definitions.

#### **11. Availability**

Copies of the Compendium are available at 26611 US Highway 385, Hot Springs, SD 57747. It may also be found at: [www.nps.gov/wica](http://www.nps.gov/wica)

### **B. SUPERINTENDENT'S COMPENDIUM**

In accordance with regulations and the delegated authority provided in Title 36, Code of Federal Regulations ("36 CFR"), Chapter 1, Parts 1-7, authorized by Title 16 United States Code, Section 3, the following provisions apply to all lands and waters administered by the National Park Service, within the boundaries of **Wind Cave National Park**. Unless otherwise stated, these regulatory provisions apply in addition to the requirements contained in 36 CFR, Chapter 1, Parts 1-7.

#### **SECTION I: 36 CFR 1.5 - VISITING HOURS, PUBLIC USE LIMITS & CLOSURES, AND AREA DESIGNATIONS FOR SPECIFIC USE OR ACTIVITIES**

**(a)(1) The following visiting hours and public use limits are established for all or for the listed portions of the park, and the following closures are established for all or a portion of the park to all public use or to a certain use or activity.**

##### **I. SCHEDULE OF VISITING HOURS**

- 1) The Wind Cave Picnic area is open ½ hour before Sunrise to ½ hour after Sunset
- 2) Overnight use is prohibited without a permit

**Determination:** The above schedule is in place to provide maximum visitor services while still allowing for visitor and resource protection consistent with current staffing levels. **Exception:** The Superintendent may shorten or lengthen operating hours due to special park uses, or other circumstances benefitting the park operation, management objectives and the public.

##### **II. PUBLIC USE RESTRICTIONS/LIMITS:**

- 1) While participating in a public cave tour the following is required:

###### **A. Hard soled footwear**

**Determination:** Hard soled shoes protect sensitive cave resources from skin cell or fiber deposits that alter the cave environment and may cause unwanted bacteria to form in the cave. Hard soled shoes also protect visitors from slips and falls that may be caused by wet and uneven surfaces.

###### **B. Wild Cave Tour participants must be 16 years of age**

###### **C. Candlelight Tour participants must be 8 years of age**

**Determination:** Because of its complexity, the Wild Cave Tour requires a higher level of skill and attention to direction. The Candlelight Tour requires navigating slippery and uneven surfaces by actual candlelight. Therefore the WICA Cave Management plan requires a higher level of maturity to protect visitors and the cave.

While participating in a public cave tour the following is prohibited:

- D. The consumption/use of food, tobacco products, beverages and gum
- E. Touching the cave surfaces
- F. Disposal of human waste (Urine/feces)

**Determination:** Human skin cells, skin oils, body waste food particles and/or liquids can permanently impair cave formations and may introduce unwanted bacteria to form in the cave damaging sensitive cave resources.

- G. The use of walking aids/wheelchairs

**Determination:** Cave tour trails are extremely narrow, often have very low ceiling heights, and have uneven and slippery surfaces that prohibit the use of most walking aids or wheelchairs. (However the Park can accommodate most special need requests with modified or alternative tours)

- H. Off trail travel

**Determination:** Cave tour routes are complex and potentially dangerous. In order to protect visitors from injury and/or getting lost; off trail travel while on a public cave tour is prohibited. Limiting cave travel to established tour routes also protects sensitive cave resources.

- 2) Bus idling is prohibited in all areas except during the loading and unloading of passengers.

**Determination:** The idling of bus engines adds unnecessary exhaust fumes to the air, unnecessary noise, and diminishes the enjoyment for visitors.

- 3) Remaining, approaching, photographing, filming, or video recording within 25 yards of bison or elk, (unless inside a legally positioned vehicle) is prohibited.

**Determination:** The NPS has documented numerous cases of both bison and elk encounters that have resulted in serious injuries when visitors approach elk or bison within 25 yards. In 2014 the restrictions were changed from 100 yards to 25 yards to be consistent with other parks in the area with bison such as Yellowstone NP, Grand Teton NP and Badlands NP.

- 4) Firearms and Dangerous Weapons in Federal Facilities are prohibited.

**Per 18 USC 930:** The Cave and all park buildings that are open to the public at Wind Cave National Park (Except for the restrooms at the Prairie Vista Picnic Area and the Elk Mountain Campground) are CLOSED to the carrying of firearms and dangerous weapons regardless of permits. Each building shall be signed at or near the entrances to alert the public. Law enforcement officers on official duty are exempted.

- 5) Climbing, rappelling, bungee jumping, hang gliding, para-gliding and other similar activities are prohibited from all park bridges, and structures. The Superintendent may waive restrictions for maintenance or construction needs.

**Determination:** The structures listed above are critical to park functions and several are historic in nature or are important to the cultural landscape themes of the park and therefore have been deemed inappropriate for the recreational uses listed above.

- 6) Quiet hours for the administrative areas of the park (Visitor Center, Maintenance, Upper/Lower Housing) is 11:00 p.m. to 6:00 a.m. The Superintendent may lift the restrictions during times of emergency operations or required maintenance.

**Determination:** Quiet hours have been established in these areas to help preserve peace/ tranquility for the park residents that reside or are required to reside in or near the park administrative areas.

- 7) Flying kites and remote model airplanes is prohibited in the park.

***Determination:** Based on park management documents and founding legislation the Superintendent has determined that the use of kites and model airplanes would intrude on the visual and sound -scapes of the park.*

- 8) Bicycles are only permitted in areas that are open to public motor vehicle use. See Section III – 36 CFR 4.30 for additional details.

***Determination:** The use of bicycles on natural resources and areas not specifically designated for bicycle use promotes erosion and destruction of that resource. The regulation also reduces user conflicts and provides for visitor safety.*

### III. **PARK CLOSURES:**

**The following areas are closed to; vehicular traffic and/or all public use:**

- 1) All caves within Wind Cave National Park are closed to public use; except by authorized permit.

***Determination:** Ensures protection of sensitive cave resources and provides for public safety.*

- 2) The Wind Cave firearms range is closed to all public use. The Superintendent may grant permission for use of the range to other authorized agents in accordance with the park's Firearms Range Use Policy.

- 3) The Wind Cave sewage lagoons and treatment areas are closed to all public use.

- 4) The Wind Cave bison corrals and buildings are closed to all public use.

- 5) The Rankin Ridge Fire Tower is closed to all public use.

***Determination:** Public closures at the firearms range, sewage lagoons, bison corrals and fire tower are in place to ensure public safety and protect critical park equipment and facilities.*

- 6) All service administrative roads are closed to non-authorized vehicle use. Service and administrative roads shall be designated with signs or gates. These roads currently include: Mixing Circle Road, Lower Housing Loop, Upper Housing Loop, Reservoir Access Road, Wind Cave Canyon Road, and Bison Corral Road.

***Determination:** Limited public vehicle access on park administrative roads are in place to provide for public safety, protect natural and cultural resources, protect park equipment and provide privacy for park residents.*

- 7) On September 22, 2011 WICA received an addition of land of 5556 acres bordering the southern boundary of the Park. This land is known as the Casey addition. This land is closed to public entry until further notice.

***Determinations:** This land is closed due to the need for surveying fence lines and to survey for objective safety hazards. The park needs to complete ongoing public scoping before a temporary limited opening occurs.*

- 8) Launching, landing, or operating an unmanned aircraft from or on lands and waters administered by the National Park Service within the boundaries of Wind Cave National Park is prohibited except as approved in writing by the superintendent.

***Definition:** The term "unmanned aircraft" means a device that is used or intended to be used for flight in the air without the possibility of direct human intervention from within or on the device, and the associated operational elements and components that are required for the pilot or system operator in command to operate or control the device (such as cameras, sensors, communication links.) This term includes all types of devices that meet this definition (e.g. model airplanes, quadcopters, drones) that are used for any purpose, including for recreation or commerce.*



*Determinations: Wind Cave National Park's legislated purpose is the preservation and management of the cave system and the preservation of the American Bison. We have determined that UAS use is not compatible with the Park's preservation goals, nor is it a critical component to the enjoyment of the Park's resources. It is also anticipated that UAS use would have a generally negative impact on the experiences of other visitors.*

**(a)(2) The following areas have been designated for a specific use or activity, under the conditions and/or restrictions as noted:**

- Camping: Elk Mountain Campground and Backcountry Units 1-4 (See section 2.10)
- Picnicking: Visitor Center Picnic Area (See section 2.11)
- Fires: Elk Mountain Campground, Visitor Center Picnic Area, Housing Areas (See section 2.13)
- Pets: Elk Mountain Campground, Established roadways that are open to public motor vehicle traffic, Parking lots, and on the two front country nature trails; Elk Mountain and Prairie Vista. (See Section 2.15)

## **SECTION II: ACTIVITIES THAT REQUIRE A PERMIT**

### **II. 36 CFR §1.6 – ACTIVITIES THAT REQUIRE A PERMIT**

The superintendent may issue a permit for an otherwise prohibited or restricted activity or to impose a public use limit. For further information on obtaining a park Special Use Permit, or regarding application and use fees, contact the Special Park Uses coordinator at (605) 745-1151 or online at

**<http://www.nps.gov/wica>**

**36 CFR 1.6 (f) The following is a compilation of those activities for which a permit from the superintendent is required:**

- §1.5(d) The following activities related to Public Use Limits:
  - Entering a closed area
  - Entering any cave
- §2.4(d) Carry or possess a weapon, trap, or net
- §2.5(a) Specimen collection (take plant, fish, wildlife, rocks or minerals)
- §2.10(a) The following camping activities:
  - Camping at Elk Mountain Campground
  - Backcountry camping
  - Camping is prohibited without a permit from the Superintendent (36 CFR section 2.10)
- §2.12 Audio Disturbances:
  - (a)(2) Operating a chain saw in developed areas
  - (a)(3) Operation of any type of portable motor or engine, or device powered by a portable motor or engine in non-developed areas
  - (a)(4) Operation of a public address system in connection with a public gathering or special event for which a permit has been issued pursuant to §2.50 or §2.51
- §2.17 Aircraft & Air Delivery:
  - (a)(3) Delivery or retrieval of a person or object by parachute, helicopter or other airborne means

- (c)(1) Removal of a downed aircraft
- §2.37 Soliciting or demanding gifts, money goods or services (pursuant to the terms and conditions of a permit issued under §2.50, §2.51 or §2.52)
- §2.38 Explosives:
  - (a) Use, possess, store, transport explosives, blasting agents
  - (b) Use or possess fireworks
- §2.50(a) Conduct a sports event, pageant, regatta, public spectator attraction, entertainment, ceremony, and similar events.
- §2.51(a) Public assemblies, meetings, gatherings, demonstrations, parades and other public expressions of views for groups of 26 or more persons
- §2.52(c) Sale or distribution of printer matter that is not solely commercial advertising for groups of 26 or more persons
- §2.60(b) Livestock use
- §2.61(a) Residing on federal lands
- §2.62 Memorialization:
  - (a) Erection of monuments (Requires approval from Regional Director)
  - (b) Scattering ashes from human cremation requires a permit within ¼ mile of cave entrances, park facilities, and developed areas, or in the following designated areas without a permit, in accordance with specific terms and conditions:
    - The scattering of human ashes from cremation, without a permit, is allowed under the following terms and conditions:
      - The remains to be scattered must have been processed by pulverization after cremation so as not to contain unconsumed bone or tooth fragments.
      - The scattering of remains by persons on the ground is to be performed at least 100 yards from any trail, road, undeveloped campsite, or body of water.
      - The scattering of remains from the air is to be performed at a minimum altitude of 2000 feet above ground level.
      - No scattering of remains from the air is to be performed over developed areas, facilities, or bodies of water.
      - No markers are permitted.
      - There will be no publicity given to this activity. When a permit is issued, except for the authorization to disperse human remains by scattering, nothing in the permit shall be construed as authorizing an entry or activity otherwise prohibited or restricted by law or regulation.
- §4.11(a) Exceeding of established vehicle load, weight and size limits
- §5.1 Advertisements - (Display, posting or distribution.)
- §5.2(b) Sale of intoxicants on private lands.
- §5.3 Engaging in or soliciting any business (Requires a permit, contract or other written agreement with the United States, or must be pursuant to special regulations).
- §5.5 Commercial Photography/Filming:

- (a) Commercial filming of motion pictures or television involving the use of professional casts, settings or crews, other than bona fide newsreel or news television
- (b) Still photography of vehicles, or other articles of commerce or models for the purpose of commercial advertising.
- §5.6(c) Use of commercial vehicles on park area roads (The superintendent shall issue a permit to access private lands within or adjacent to the park when access is otherwise not available)
- §5.7 Construction of buildings, facilities, trails, roads, boat docks, path, structure, etc.

### **SECTION III: GENERAL CFR REGULATIONS**

#### **36 CFR 2.1 - Preservation of Natural, Cultural, and Archeological Resources:**

(a)(4) All areas of the Park are closed to wood gathering.

*Determination: Prohibiting the gathering of wood prevents damaging natural resources and aids in the prevention of accidentally spreading bug contaminated wood (mountain pine beetle) into the park. To help mitigate the prohibition the Park provides wood for public use at the Elk Mountain Campground.*

(b) All persons on guided cave tours must stay on established trails or designated routes.

*Determination: Cave tour routes are complex and potentially dangerous. In order to protect visitors from injury and/or getting lost; off trail travel while on a public cave tour is prohibited. Limiting cave travel to established tour routes also protects sensitive cave resources.*

(c)(1), (c)(2) Gathering of fruits, berries, nuts, in small quantities (1 quart per person/per day) for non-commercial use is permitted. The collection of mushrooms and pinecones is prohibited. The following products may be collected:

- Chokecherry - *Prunus virginiana*
- Wild/American plum - *Prunus americana*

*Determination: The above allowable quantities will not adversely affect park wildlife, the reproductive potential of the plant species, or otherwise adversely affect park resources.*

#### **Reminder:**

All natural objects (antlers, plants, rocks, fossils, etc.) are protected. When in doubt ask a ranger first.

#### **36 CFR 2.2 - Wildlife Protection:**

(d). Lawfully taken wildlife from outside the park may not be possessed while visiting or camping in the park, but may be transported by motor vehicle on established public highways through the park. The Superintendent has set the following conditions for transportation:

- Lawfully taken wildlife may be transported through the park directly without stopping
- Lawfully taken wildlife will be transported in accordance with all South Dakota fish and game regulations

*Determination: 36 CFR 2.1 (a)(1)(i) prohibits the possession or storage of dead or living wildlife (or parts thereof) while visiting the park. However, 36 CFR 2.2 (d) provides the Superintendent with authority to allow, and set conditions for, the transportation of lawfully taken wildlife. In this case the Superintendent has approved the brief and direct transportation of wildlife as it will not overly affect park visitors or intrude on park values.*

(d). The retrieval/transportation of wounded or dead wildlife from the park is prohibited.

*Determination: WICA NP is completely enclosed by a large elk and bison fence system. Wounded wildlife that can navigate back over the fence into the park is deemed to be a viable animal. In addition, the continued tracking, shooting, game processing and transportation of wildlife is prohibited by the CFR and would cause conflicts with visitors, damage fences and natural resources, and*

is not in keeping with park values. The State of South Dakota regulations also recognize the right of land managers to deny access for the retrieval of dead or wounded wildlife.

(e) All areas within Wind Cave National Park are closed to the viewing of wildlife with artificial light, which includes the purposeful direction of headlights and flash photography. The use of artificial light for special events, research, interpretive programs, emergencies and maintenance functions may be permitted by the Superintendent or designee.

***Determination:** The use of artificial lights to view wildlife creates unnecessary man-caused stress upon the animals, causing them to change their behavior patterns. The light also can disturb park neighbors, pose a hazard to vehicular traffic and can be a precursor to poaching activities.*

### **36 CFR 2.4 – Weapons, traps and nets**

(d)(4) The superintendent may issue a permit for the carrying of archery equipment from parking areas along NPS Road 5 and Highway 87 for the purpose of accessing adjacent lands where access is otherwise impractical. Individuals carrying archery equipment under a permit may only travel directly between access points to adjacent lands and their vehicle (note: the restrictions on possession and transportation of wildlife under 36CFR 2.2 remain unchanged and so wildlife may only be transported via through the park in a motor vehicle and may not be otherwise carried into the park from adjacent lands).

As of February 22, 2010, a new federal law (36 CFR 2.4(h)) allows people who can legally possess firearms under applicable federal, state, and local laws, to legally possess firearms in this park.

**Reference: Section 512 of the Credit Card Accountability Responsibility and Disclosure Act of 2009, Public Law 111-24, 123 Stat. 1764-65**

Federal and State firearm laws can be complex. It is the responsibility of visitors to understand and comply with all applicable state, local, and federal firearms laws before entering this park. As a starting point, please visit the state's website <http://sdsos.gov/adminservices/concealedpistolpermits.shtm>

### **Reminder - Firearms and Dangerous Weapons in Federal Facilities are Prohibited:**

**Per 18 USC 930:** The Cave and all park buildings that are open to the public at Wind Cave National Park (Except for the restrooms at the Prairie Vista Picnic Area and the Elk Mountain Campground) are CLOSED to the carrying of firearms and dangerous weapons regardless of permits. Each building shall be signed at or near the entrances to alert the public. Law enforcement officers on official duty are exempted.

### **36 CFR 2.10 Camping and Food Storage**

(a) The sites and areas listed below have been designated for camping activities as noted. A permit system has been established for certain campgrounds or camping activities, and conditions for camping and camping activities are in effect as noted:

### **Roadsides and pullouts:**

- Overnight parking/sleeping in vehicles/camping alongside roadways, in parking lots, picnic areas, trailheads and wayside exhibit areas are not designated for camping and thus prohibited.

***Reason for Determination:** Overnight camping or overnight parking/sleeping in vehicles along the Park's roads creates unsafe conditions for visitors and detracts from the view shed, blocks access to park interpretive sites, creates issues with trash and human waste disposal, and generally detracts from the visitor experience.*

### **Elk Mountain Campground Permit Regulations:**

- A camping permit is required to camp at Elk Mountain Campground. (Recreation fees apply)



- An individual may stay a maximum 14 consecutive nights, no more than 30 total nights during the calendar year.
- Open fires and charcoal fires are prohibited unless they are in a designated fire grate
- A maximum of two tents, 8 people and 1 vehicle is permitted on each site.
- The group camping sites are limited to 30 people
- Campground quiet hours are from 10 p.m. to 6 a.m.
- The campground is closed to persons other than registered campers from 11 p.m. to 7 a.m.
- Generators may only be used from 8 a.m. to 8 p.m.
- Checkout time is 12:00 p.m.
- Campground Fees: See below – Section 36 CFR 2.23 for a list of park recreation fees

***Reason for Determination:** The above regulations protect park resources, reduce human impacts, provide for visitor safety, provide wildland fire protection, and provide for a quality camping experience. Permits provide critical data for park managers and track visitor use.*

### **Backcountry Camping Permit Regulations:**

- A free permit is required for all backcountry camping
- Group size is limited to 12 people
- Pets are prohibited in the backcountry.
- Open fires are prohibited in the backcountry
- Backcountry camping is permitted in the northwest area of the park only. The designated area is north of Beaver Creek, east of route 87 and west of the Highland Creek Trail. (See Map A)
- All other backcountry areas in the park are closed to camping
- Campsites must be a ¼ mile from, and out of sight of, any paved or improved dirt road and all campsites must be 100 feet away from the trail, any water source or other camp.
- A site may only be occupied for two consecutive nights and an individual is limited to 7 nights per trip and no more than 30 total nights per year.
- Human waste must be buried in a shallow hole 100 feet or more from camps, trails and water sources. Food waste and trash must be packed out of the backcountry, burial of these items is prohibited.

***Reason for Determination:** The above regulations protect park resources, reduce human impacts, provide for visitor safety, provide for wildland fire protection, and provide for a quality camping experience. Permits provide critical data for park managers and track visitor use.*

(d) Conditions for the storage of food are in effect, as noted, for the following areas:

- Elk Mountain Campground
- All Backcountry camping zones (See Map A)

**Food Storage Requirements:** All human and pet food must be stored in a closed hard-sided container or enclosed vehicle when not in use. Food scraps, cooking utensils, and garbage must be stored or disposed of in such a manner as to be inaccessible to wildlife.

***Reason for Determination:** Easy access to human food is a powerful attractant for Park wildlife and can create dangerous interactions between animals and visitors. Habituated animals lose their fear of humans and abandon their normal foraging skills, endangering both animals and visitors.*

### **36 CFR 2.11 - Picnicking:**

- Unless closed, picnicking is permitted throughout the surface area of Wind Cave National Park.

***Determination:** Areas closed to picnicking are designated to meet various Park management objectives. These objectives are usually short term and may be related to wildlife issues, fire protection, storm damage etc.*

- Picnicking in Elk Mountain Campground is allowed only if there are open campsites.

*Determination: Currently low visitor use and ample campsites allow the campground to be used for both picnicking and camping without visitor conflicts for space. In the event the campground is full visitors will be required to picnic elsewhere.*

- Open fires and charcoal fires are prohibited unless they are in a designated fire grate. Fire grates are located in the Visitor Center picnic area and the Elk Mountain Campground.

*Determination: The Park is located in the Southern Black Hills where fire danger remains high throughout much of the year. In order to protect visitors, natural resources, local communities and park infrastructure; fires must be contained in designated fire grates.*

### **36 CFR 2.13 - Fires:**

**(a)(1) The lighting or maintaining of fires is generally prohibited, except as provided for in the following designated areas and/or receptacles, and under the conditions noted:**

**Designated Areas:**

- Open fires are prohibited at all locations except for Elk Mountain Campground, Park Residential Areas, and the Visitor Center Picnic Area.

**Receptacles Allowed:**

- All wood fires must be confined in the established park fire grates. Charcoal fires must be confined to park grills or metal receptacles designed for charcoal use.

**Established Conditions for Fires:**

- During South Dakota state-imposed burn bans and/or periods of high fire danger, the superintendent may temporarily ban fires, and/or stove use in the park to protect park resources and reduce the risk of wildfires.
- Only wood or charcoal may be used
- Fires must be at least 10 feet away from buildings, vehicles and camping equipment
- Fires will be attended at all times **(CFR 2.3(a)(4))**
- If a fire creates an air pollution problem, nuisance, or fire hazard they shall be extinguished

**(a)(2) Conditions for the use of stoves or lanterns:**

- Stove and lanterns should not be placed close to combustible materials.
- Stoves and lanterns shall not be placed in such a manner that damages picnic tables or trees

**(a) Fires must be extinguished according to the following conditions:**

- All fires shall be completely extinguished and cold to the touch prior to abandonment. Disposal of remaining ash and by-products into garbage cans is prohibited.

*Determination: The Park is located in the Southern Black Hills where fire danger remains high throughout much of the year. In order to protect visitors, natural resources, local communities and park infrastructures; fires must be contained in designated fire grates. Visitors must properly extinguish and check that ashes are cold to the touch before leaving the fire unattended. Unattended fires and improperly extinguished fires are one of the leading causes of wildland fires.*

### **36 CFR 2.14 - Sanitation and Refuse:**

**(a)(2) The use of government refuse receptacles or facilities for dumping household, commercial or industrial refuse, brought as such from private or municipal property is allowed under the following conditions:**

- Park residents may utilize government receptacles when occupying park quarters

- Park employees may bring recyclable items from home if their local community does not have a recycling program

(b) In backcountry areas, human waste must be buried in a shallow hole, 100 feet or more from camps or water sources and immediately covered. All food waste, food containers, and disposable items packed into the backcountry must be packed out. Burial of these items is prohibited. In all park caves, human waste must be packaged and brought out of the cave.

***Determination:** To encourage recycling and conservation of resources the Park has authorized employees to dispose of recyclable items at that park in cases where no community recycling program exists. In order to protect cave sensitive resources all human waste must be packaged and removed from the cave.*

### **36 CFR 2.15 - Pets:**

(a)(1) All caves, hiking trails, and backcountry areas are closed to pets. Service dogs are allowed on paved cave trails if medically necessary. All public use buildings are closed to pets except for service dogs. Properly leashed dogs are allowed in the Elk Mountain Campground, on established roadways that are open to public motor vehicle traffic, parking lots, and on the two front country nature trails; Elk Mountain and Prairie Vista.

***Determination:** Park facilities are places of business and often serve as the primary learning and information center for the public. To reduce conflicts with visitors and park activities all buildings are closed to pets. Pet hair, saliva and sharp claws can permanently impair cave formations and may introduce unwanted bacteria to form in the cave damaging sensitive cave resources. The narrow, slippery and uneven surfaces can cause dangerous conditions for pets and pet owners. The Park has large populations of bison, elk, antelope, deer, badgers, and coyotes and so in order to reduce dangerous wildlife conflicts and protect visitors, the backcountry areas and most Park trails are closed to pets. To accommodate pet owners the Elk Mountain and Prairie Vista trails are open to properly restrained pets. These two trails lie within the developed portion of the Visitor Center and Campground.*

(a)(3) Leaving pets unattended or tied to any object while unattended within the Park is prohibited, including the exterior of motor vehicles parked or camped within Park boundaries. Pets may be left unattended within motor vehicles with proper ventilation and water, but only when the weather is not hazardous to the immediate welfare of the animal.

***Determination:** These requirements are intended to protect visitors, natural resources, park structures, and to ensure pets are properly cared for while in the park.*

(a)(5) Pet excrement shall be removed by the pet owner/handler from all public use areas.

***Determination:** The Visitor Center, housing/maintenance areas, and the campground/picnic areas are highly developed cultural and natural resource areas where concentrations of people gather. This restriction is intended to reduce any possible conflict between users and to provide for a healthy safe environment.*

(e) Park residents may keep pets in accordance with the Park pet policy.

***Determination:** The Superintendent has approved the keeping of pets in designated park housing to provide for permanent employees who are required to live in park housing.*

### **Reminder:**

2.15(a)(2) Pets must be restrained at all times and when using a leash, the leash may not exceed six feet.

### **36 CFR 2.16 - Horse and Pack Animals:**

(a) The following animals are designated as pack animals:

- Horses, Burros, Mules, Apacac, Llamas
- Other hoofed animals when designated by the superintendent (36 CFR 1.4)

(b) Permitted uses:

- Wind Cave National Park is open to the off trail and off road use of horses and pack animals.

- All horse and pack animal use will be by permit only. A free backcountry use permit will be issued at Park Headquarters for day use only – no overnight stays are allowed.
- Group size limits and total number of stock and riders allowed in the Park will be limited as needed in order to ensure the opportunity for a quality experience and to minimize the possibility of harmful impact to the Park's natural and cultural resources. The Superintendent may utilize a permit and/or reservation system in the future as needed.

***Determination:** Horse and Pack animals can have a large impact on park natural resources and can conflict with other park users. Permits allow park managers to track visitor use, protect resources and reduce conflicts among different user groups.*

(g) Prohibited Uses and Conditions:

- Horse and Pack animals are prohibited in the following areas: Elk Mountain Campground, all designated hiking and nature trails including the Centennial Trail, the Visitor Center and Administrative areas.
- Pack animals are prohibited on the paved portion of all roadways and parking areas, except while crossing.
- Hitching horses or other saddle or pack animals so as to damage, injure, deface or disturb natural or cultural resources is prohibited.
- Overnight horse/pack animal use is prohibited
- All hay and feed brought into the Park to support pack animals must be certified as weed free
- All parking lots will be cleaned of feed and manure

***Determination:** The Superintendent has set the above regulations to reduce conflicts between user groups, prevent damage and erosion to park trails, prevent damage to park resources, increase safety, and aid in the prevention of exotic plant/weed introduction.*

**36 CFR 2.17 - Aircraft and Air Delivery:**

(c)(1) Arrangements for the removal of downed aircraft will be made pursuant with the recommendations of the National Transportation Safety Board or Federal Aviation Administration investigators or designated personnel.

***Determination:** The NTSB and the FAA are the subject matter experts in the area of crash investigation and removal. The Superintendent may waive the removal of downed aircraft if the risk to human life is too great, resource damage would be extensive, or the removal is impractical or impossible.*

**36 CFR 2.18 - Snowmobiles:**

(a) Snowmobiling is prohibited within the boundary of Wind Cave National Park.

***Determination:** Snowmobile use is inconsistent with the park's natural, cultural, scenic, and aesthetic values. There are no known traditional routes or periods of traditional use. WICA is completely fenced and snowmobile activity inside the fence will disturb wildlife and damage park resources.*

**36 CFR 2.20 – Skating, Skateboards and Similar Devices:**

Using roller skates, skateboards, roller skis, coasting vehicles, or similar devices are prohibited, except in designated area:

- Park residents may use these devices in the residential areas only



**Determination:** The areas around the Visitor Center and Campground are congested with motor vehicles and pedestrians. These restrictions are intended to reduce any possible conflict between users, protect natural and cultural resources, and for public safety.

### **36 CFR 2.21 - Smoking:**

The following park structures, facilities and areas are closed to smoking:

- All NPS offices and buildings and all government quarters
- All government owned or leased vehicles
- Fuel and flammable storage areas and fuel refilling areas

### **Reminder:**

36 CFR 2.21(b) prohibits smoking in all caves and caverns

**Determination:** These restrictions are intended to protect the health and safety of park visitors and employees, protect park resources, reduce the risk of fire and prevent conflicts among visitor use activities.

### **36 CFR 2.23 – Recreation Fees:**

- (b) Recreation fees, and/or a permit, in accordance with 36 CFR part 71, are established for the following entrance fee areas, and/or for the use of the following specialized sites, facilities, equipment or services, or for participation in the following group activity, recreation events, or specialized recreational uses:

#### **Campground Fees**

\$18	Tent and RV sites per night	Approximately April to November
\$9	Tent and RV sites per night	Approximately November to April
\$40	Group Camping (30 max)	Call for details/reservations 605-745-4600

#### **Cave Tours**

Tour Route	Adults (17 & Older)	Youth (6-16)	Infant/Toddler
Garden of Eden:	\$10.00	\$5.00	Free
Natural Entrance:	\$12.00	\$6.00	Free
Fairgrounds:	\$12.00	\$6.00	Free
Candlelight:	\$12.00	\$6.00*	Not Permitted
Wild Cave:	\$30.00	Not Permitted**	Not Permitted

\* The minimum age for the Candlelight Tour is age 8.

\*\* The minimum age for the Wild Cave Tour is age 16 – the fee is \$40.00

- Campground and Cave Tour fees are half price for Senior or Access card holders

**Determination:** The authority to establish fees or require permits under this section is provided in 36 CFR 71.2. The collection of recreational fees may be suspended during the following periods:

- National Public Lands Day
- Other dates that may be authorized by the Secretary of Interior or Director of the
- National Park Service
- As authorized by the Superintendent through a Special Use Permit

### **36 CFR 2.35 – Alcoholic Beverages and Controlled Substances:**

(a)(3)(i) The following public use areas, portions of public use areas, and/or public facilities within the park are closed to the consumption of alcoholic beverages and/or to the possession of a bottle, can or other receptacle containing an alcoholic beverage that is open, or that has been opened, or whose seal has been broken or the contents of which have been partially removed:

- All public park buildings
- All NPS administrative work areas

*Determination: Park buildings are places of business, to reduce conflict among visitors, the consumption or possession of an open container of alcohol is deemed inappropriate.*

### **36 CFR 2.38 - Explosives:**

The possession of and/or use of fireworks, firecrackers, black powder or explosives in the Park is prohibited.

*Determination: Fireworks or the use of any explosive creates a public hazard that poses a danger to the public and greatly increases the risk of wildland fires. Fireworks disturb wildlife and the visiting public; and are deemed an inappropriate use at WICA NP. Any use of explosives or fireworks requires a permit issued by the superintendent.*

### **36 CFR 2.51 - Public Assemblies, Meetings:**

Public assemblies, meetings, gatherings, demonstrations, parades and other public expressions of views for groups of 25 or more participants require a permit and are limited to the designated public demonstration areas. Maps for these areas are located at the end of this document. (Map B)

Public assemblies, meetings, gatherings, demonstrations, parades and other public expressions of views involving groups of less than 25 participants does not require a permit, but advanced notification to the Park Superintendent is encouraged. The location of these activities is limited to the designated public demonstration areas. Maps for these areas are located at the end of this document. (Map B)

*Determination: A permit is necessary to manage public assemblies and meetings in the park that may damage park resources or conflict with the overall safety and enjoyment of the park by the majority of park visitors, while allowing for First Amendment rights.*

### **36 CFR 2.52 - Sale and Distribution of Printed Material:**

Sale or distribution of printed matter that is not solely commercial advertising by groups of 25 or more participants requires a permit and is limited to the designated public demonstration areas. Maps for these areas are located at the end of this document. (Map B)

Sale or distribution of printed matter that is not solely commercial advertising by groups of less than 25 participants does not require a permit, but advanced notification to the Park Superintendent is encouraged. The location of these activities is limited to one of the designated public demonstration areas. Maps for these areas are located at the end of this document. (Map B)

*Determination: A permit is necessary to manage public assemblies and meetings in the park that may damage park resources or conflict with the overall safety and enjoyment of the park by the majority of park visitors, while allowing for First Amendment rights.*

### **36 CFR §2.62 – Memorialization**

(a) The installation of a monument or memorial requires authorization of the Director  
(b) Scattering ashes from human cremation requires a permit within ¼ mile of cave entrances, park facilities, and developed areas. The scattering of human ashes from cremation is allowed without a permit pursuant to the terms and conditions outlined below:

- The remains to be scattered must have been cremated and completely pulverized
- The ashes must not be scattered within developed areas
- The scattering of remains by persons on the ground is to be performed at least 100 yards from any trail, road, developed facility, known archeological and historic sites, or inland body of water
- The scattering of remains from the air is to be performed at a minimum altitude of 2000 feet above the ground

*Determination: The conditions outlined above reduce the chances of creating offensive conditions by the scattering of human ashes.*

### **36 CFR §4.10 – Travel on park roads and routes**

(a) The following park roads are open for travel by motor vehicles:

- Roads open to motor vehicle traffic, either year-round or seasonally, are shown in the National Park Service Wind Cave National Park official color brochure.
- Roads that are gated shut are closed to public motor vehicle use.
- Administrative use areas are signed closed (See Section I, Part III)

*Determination: Limited public vehicle access on park administrative roads are in place to provide for public safety, protect natural and cultural resources, protect park equipment and provide privacy for park residents.*

### **36 CFR 4.13 - Obstructing Traffic:**

1) Obstructing traffic, stopping or parking a motor vehicle upon any Park roadway is prohibited.

*Determination: In order to increase public safety on Park roads and reduce the impact of parked cars on fragile resources, the Superintendent has deemed that parking on Routes 385, 87 and the Wind Cave Visitor Center Access roads is limited to established parking lots, pullouts and wayside exhibit areas. Parking on NPS Routes 5 and 6 is limited to within one and one-half vehicle widths of the road edge.*

### **36 CFR 4.21 - Motor Vehicle Speed Limits:**

The speed limits specified here are adopted for use in the Park:

1. Highway 385 – 45 miles per hour
2. Highway 87 – 35 miles per hour (\*)
3. NPS 5 and NPS 6 – 25 miles per hour (\*)
4. Visitor Center Access Road – 30 miles per hour (\*)
5. Visitor Center lot, Elk Mountain Campground, Maintenance/Fire Cache Road – 15 miles per hour
6. Elk Mountain Campground Access Road – 25 miles per hour (\*)

(\*) In accordance with the authority granted in 36 CFR 4.21(b) the superintendent has designated different speed limits in areas with deceleration zones, congested motor vehicle and pedestrian traffic, in areas where children may be present, and where road surface, character, or design do not allow for a faster, safer speed. The current speed limits do not represent a change from past posted limits and are consistent with the State of South Dakota.

*Determination: The Superintendent has set speed limits that provide for public safety on the Park's road system and are consistent with surrounding State roads.*

### **36 CFR 4.30 - Bicycles:**

(a) The operation of bicycles is permitted:

- On all paved roadways and parking areas that are open to public motor vehicle use.
- On gravel roads that are open to public motor vehicle use

Bicycles are prohibited on:

- Off road, trails, walkways, all gravel and paved roads that are closed to public motor vehicle use.
- Bicycles are required to follow the same laws and regulations that apply to the safe operation of motor vehicles as required in both 36 CFR 4.30 (c) and South Dakota State law.

*Determination: The use of bicycles on natural resources and areas not specifically designated for bicycle use promotes erosion and destruction of that resource. The regulation also reduces user conflicts and provides for visitor safety.*

**36 CFR Part 7 Regulations:** None at this time

### **36 CFR Part 10 Regulations:**

10.1 - Animals available. From time to time there are surplus live elk, buffaloes and bears in Yellowstone National Park, and live buffaloes in Wind Cave National Park which the Secretary may, in his discretion, dispose of to Federal, State, county and municipal authorities for preserves, zoos, zoological gardens, and parks. When surplus live elk and buffaloes are available from these national parks, the Secretary may, in his discretion, dispose of these to individuals and private institutions.

*Determination: Allows the park to effectively manage bison and elk populations and protect natural resources.*

### **SECTION IV: APPENDICES:**

#### **36 CFR § 1.4 DEFINITIONS – WHAT TERMS DO I NEED TO KNOW?**

(a) The following definitions shall apply to this chapter, unless modified by the definitions for a specific part or regulation:

**Abandonment** means the voluntary relinquishment of property with no intent to retain possession.

**Administrative activities** means those activities conducted under the authority of the National Park Service for the purpose of safeguarding persons or property, implementing management plans and policies developed in accordance and consistent with the regulations in this chapter, or repairing or maintaining government facilities.

**Airboat** means a vessel that is supported by the buoyancy of its hull and powered by a propeller or fan above the waterline. This definition should not be construed to mean a hovercraft, that is supported by a fan-generated air cushion.

**Aircraft** means a device that is used or intended to be used for human flight in the air, including powerless flight.

**Archeological resource** means material remains of past human life or activities that are of archeological interest and are at least 50 years of age. This term includes, but shall not be limited to, objects made or used by humans, such as pottery, basketry, bottles, weapons, weapon projectiles, tools, structures or portions of structures, pit houses, rock paintings, rock carvings, intaglios, or any portion or piece of the foregoing items, and the physical site, location or context in which they are found, or human skeletal materials or graves.

**Authorized emergency vehicle** means a vehicle in official use for emergency purposes by a Federal agency or an emergency vehicle as defined by State law.

**Authorized person** means an employee or agent of the National Park Service with delegated authority to enforce the provisions of this chapter.

**Bicycle** means every device propelled solely by human power upon which a person or persons may ride on land, having one, two, or more wheels, except a manual wheelchair.

**Boundary** means the limits of lands or waters administered by the National Park Service as specified by Congress, or denoted by presidential proclamation, or recorded in the records of a state or political subdivision in accordance with applicable law, or published pursuant to law, or otherwise published or posted by the National Park Service. Camping means the erecting of a tent or shelter of natural or synthetic material, preparing a sleeping bag or other bedding material for use, parking of a motor vehicle, motor home or trailer, or mooring of a vessel for the apparent purpose of overnight occupancy.

**Carry** means to wear, bear, or have on or about the person.



**Controlled substance** means a drug or other substance, or immediate precursor, included in schedules I, II, III, IV, or V of part B of the Controlled Substance Act (21 U.S.C. 812) or a drug or substance added to these schedules pursuant to the terms of the Act.

**Cultural resource** means material remains of past human life or activities that are of significant cultural interest and are less than 50 years of age. This term includes, but shall not be limited to, objects made or used by humans, such as pottery, basketry, bottles, weapons, weapon projectiles, tools, structures or portions of structures, or any portion or piece of the foregoing items, and the physical site, location, or context in which they are found, or human skeletal materials or graves.

**Developed area** means roads, parking areas, picnic areas, campgrounds, or other structures, facilities or lands located within development and historic zones depicted on the park area land management and use map.

**Director** means the Director of the National Park Service.

**Downed aircraft** means an aircraft that cannot become airborne as a result of mechanical failure, fire, or accident.

**Firearm** means a loaded or unloaded pistol, rifle, shotgun or other weapon which is designed to, or may be readily converted to, expel a projectile by the ignition of a propellant.

**Fish** means any member of the subclasses Agnatha, Chondrichthyes, or Osteichthyes, or any mollusk or crustacean found in salt water.

**Fishing** means taking or attempting to take fish.

**Hunting** means taking or attempting to take wildlife, except trapping.

**Legislative jurisdiction** means lands and waters under the exclusive or concurrent jurisdiction of the United States.

**Manual wheelchair** means a device that is propelled by human power, designed for and used by a mobility-impaired person.

**Motorcycle** means every motor vehicle having a seat for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a tractor.

**Motorized wheelchair** means a self-propelled wheeled device, designed solely for and used by a mobility-impaired person for locomotion, that is both capable of and suitable for use in indoor pedestrian areas.

**Motor vehicle** means every vehicle that is self-propelled and every vehicle that is propelled by electric power, but not operated on rails or upon water, except a snowmobile and a motorized wheelchair.

**National Park System (Park area)** means any area of land and water now or hereafter administered by the Secretary of the Interior through the National Park Service for park, monument, historic, parkway, recreational, or other purposes.

**Net** means a seine, weir, net wire, fish trap, or other implement designed to entrap fish, except a hand-held landing net used to retrieve fish taken by hook and line.

**Nondeveloped area** means all lands and waters within park areas other than developed areas.

**Operator** means a person who operates, drives, controls, otherwise has charge of or is in actual physical control of a mechanical mode of transportation or any other mechanical equipment.

**Other Federal reservations** in the environs of the District of Columbia means Federal areas, which are not under the administrative jurisdiction of the National Park Service, located in Arlington, Fairfax, Loudoun, Prince William, and Stafford Counties and the City of Alexandria in Virginia and Prince Georges, Charles, Anne Arundel, and

Montgomery Counties in Maryland, exclusive of military reservations, unless the policing of military reservations by the U.S. Park Police is specifically requested by the Secretary of Defense or a designee thereof.

**Pack animal** means horses, burros, mules or other hoofed mammals when designated as pack animals by the superintendent.

**Park area.** See the definition for National Park System in this section.

**Park road** means the main-traveled surface of a roadway open to motor vehicles, owned, controlled or otherwise administered by the National Park Service.

**Permit** means a written authorization to engage in uses or activities that are otherwise prohibited, restricted, or regulated.

**Person** means an individual, firm, corporation, society, association, partnership, or private or public body.

**Personal watercraft** refers to a vessel, usually less than 16 feet in length, which uses an inboard, internal combustion engine powering a water jet pump as its primary source of propulsion. The vessel is intended to be operated by a person or persons sitting, standing or kneeling on the vessel, rather than within the confines of the hull. The length is measured from end to end over the deck excluding sheer, meaning a straight line measurement of the overall length from the foremost part of the vessel to the aftermost part of the vessel, measured parallel to the centerline. Bow sprits, bumpkins, rudders, outboard motor brackets, and similar fittings or attachments, are not included in the measurement. Length is stated in feet and inches.

**Pet** means a dog, cat or any animal that has been domesticated.

**Possession** means exercising direct physical control or dominion, with or without ownership, over property, or archeological, cultural or natural resources.

**Practitioner** means a physician, dentist, veterinarian, scientific investigator, pharmacy, hospital or other person licensed, registered or otherwise permitted by the United States or the jurisdiction in which such person practices to distribute or possess a controlled substance in the course of professional practice.

**Public use limit** means the number of persons; number and type of animals; amount, size and type of equipment, vessels, mechanical modes of conveyance, or food/beverage containers allowed to enter, be brought into, remain in, or be used within a designated geographic area or facility; or the length of time a designated geographic area or facility may be occupied.

**Refuse** means trash, garbage, rubbish, waste papers, bottles or cans, debris, litter, oil, solvents, liquid waste, or other discarded materials.

**Regional Director** means the official in charge of a geographic area of the National Park Service.

**Secretary** means the Secretary of the Interior.

**Services** means, but is not limited to, meals and lodging, labor, professional services, transportation, admission to exhibits, use of telephone or other utilities, or any act for which payment is customarily received.

**Smoking** means the carrying of lighted cigarettes, cigars or pipes, or the intentional and direct inhalation of smoke from these objects.

**Snowmobile** means a self-propelled vehicle intended for travel primarily on snow, having a curb weight of not more than 1000 pounds (450 kg), driven by a track or tracks in contact with the snow, and steered by ski or skis in contact with the snow.

**State** means a State, territory, or possession of the United States.

**State law** means the applicable and nonconflicting laws, statutes, regulations, ordinances, infractions and codes of the State(s) and political subdivision(s) within whose exterior boundaries a park area or a portion thereof is located.

**Superintendent** means the official in charge of a park area or an authorized representative thereof.

**Take or taking** means to pursue, hunt, harass, harm, shoot, trap, net, capture, collect, kill, wound, or attempt to do any of the above.

**Traffic** means pedestrians, ridden or herded animals, vehicles, and other conveyances, either singly or together while using any road, trail, street or other thoroughfare for purpose of travel.

**Traffic control device** means a sign, signal, marking or other device placed or erected by, or with the concurrence of, the Superintendent for the purpose of regulating, warning, guiding or otherwise controlling traffic or regulating the parking of vehicles.

**Trap** means a snare, trap, mesh, wire or other implement, object or mechanical device designed to entrap or kill animals other than fish.

**Trapping** means taking or attempting to take wildlife with a trap.

**Underway** means when a vessel is not at anchor, moored, made fast to the shore or docking facility, or aground.

**Unloaded**, as applied to weapons and firearms, means that: (1) There is no unexpended shell, cartridge, or projectile in any chamber or cylinder of a firearm or in a clip or magazine inserted in or attached to a firearm; (2) A muzzle-loading weapon does not contain gun powder in the pan, or the percussion cap is not in place; and (3) Bows, crossbows, spear guns or any implement capable of discharging a missile or similar device by means of a loading or discharging mechanism, when that loading or discharging mechanism is not charged or drawn.

**Vehicle** means every device in, upon, or by which a person or property is or may be transported or drawn on land, except snowmobiles and devices moved by human power or used exclusively upon stationary rails or track.

**Vessel** means every type or description of craft, other than a seaplane on the water, used or capable of being used as a means of transportation on water, including a buoyant device permitting or capable of free flotation.

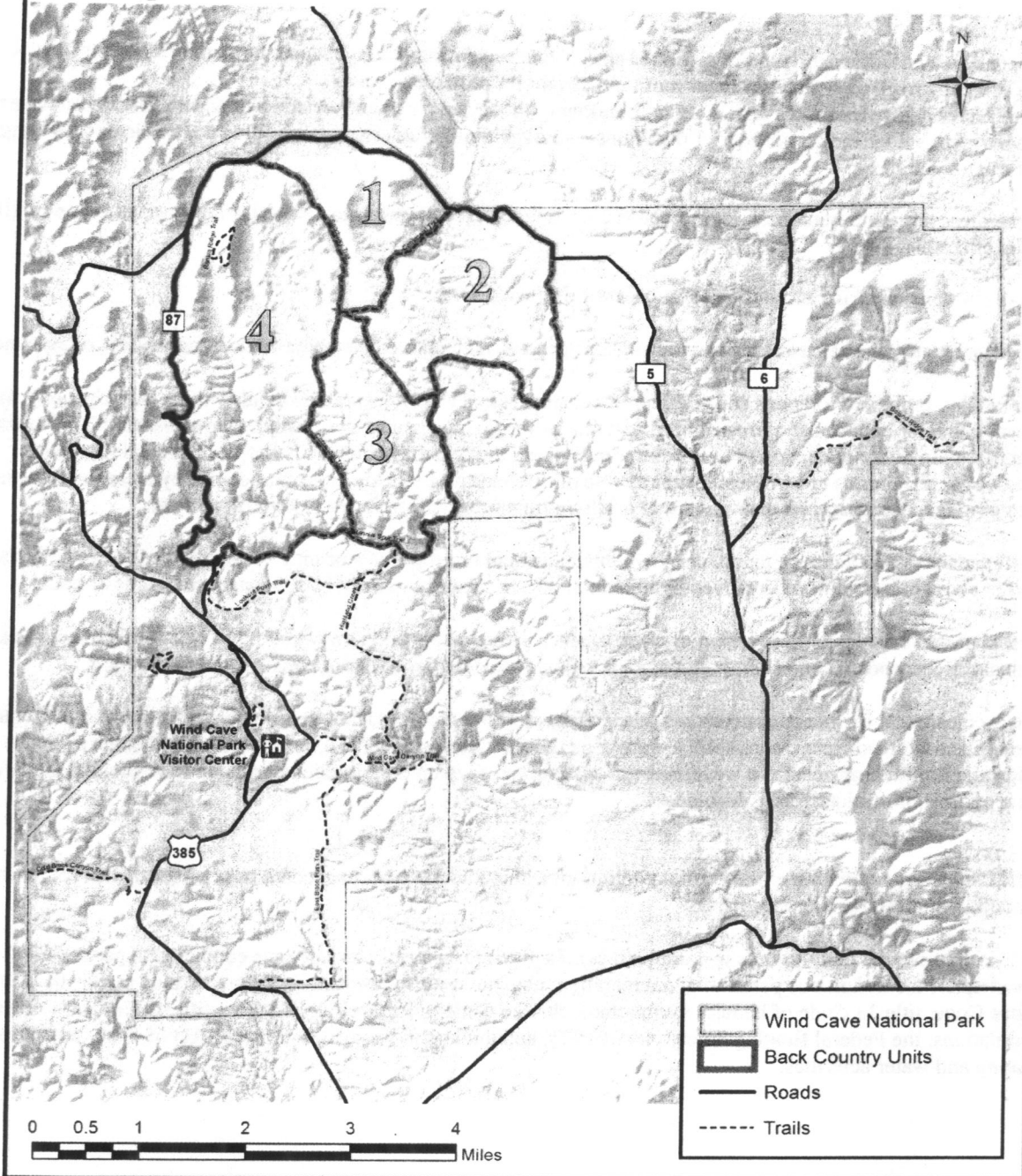
**Weapon** means a firearm, compressed gas or spring-powered pistol or rifle, bow and arrow, crossbow, blowgun, speargun, hand-thrown spear, slingshot, irritant gas device, explosive device, or any other implement designed to discharge missiles, and includes a weapon the possession of which is prohibited under the laws of the State in which the park area or portion thereof is located.

**Wildlife** means any member of the animal kingdom and includes a part, product, egg or offspring thereof, or the dead body or part thereof, except fish.

(b) In addition to the definitions in paragraph (a), for the purpose of the regulations contained in parts 3 and 7 of this chapter, the definitions pertaining to navigation, navigable waters and shipping enumerated in title 14 United States Code, title 33 Code of Federal Regulations, title 46 Code of Federal Regulations, title 49 Code of Federal Regulations, the Federal Boating Safety Act of 1971, and the Inland Navigational Rules Act of 1980, shall apply for boating and water activities.



# Map A







## Map B - First Amendment Activity Areas

All other areas are closed - Please contact the park for specific directions

